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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. S. R. 3412—L. W., dated Bangalore, the 29th March 1948.

Draft Mysore Shops and Establishments Rules.

The following draft of the Mysore Shops and Establishments Rules which it is proposed to make in exercise of the powers conferred by Sub-Section (1) of Section 49 of the Mysore Shops and Establishments Act, 1948 (II of 1948) is hereby published for general information as required by Sub-Section (3) of the said Section.

Notice is hereby given that the draft will be taken into consideration on or after 5th April 1948, and that any objection or suggestion which may be received form any person with respect thereto before the date aforesaid will be considered by the Government of Mysore. Objections and suggestions should be addressed to the General Secretary to the Government of Mysore through the Commissioner of Labour in Mysore, Bangalore.

MOHAMED ISMAIL SHERIFF, *Genl. Secy.*

Short title. 1. These Rules may be called the Mysore Shops and Establishments Rules, 1948.

Definitions. 2. In these rules, unless there is anything repugnant in the subject or context :—

(*a*) "The Act" means the Mysore Shops and Establishments Act, 1948,

(*b*) "Commissioner of Labour" means the Officer appointed to be the Commissioner of Labour.

(*c*) "Deduction for breach of contract" means a deduction made in accordance with the provisions of the proviso to Sub-Section (2) of Section 36.

(*d*) "Deduction for damage or loss" means a deduction made in accordance with the provisions of Clause (*c*) of Sub-Section (2) of Section 34.

(*e*) "Family" means husband, wife and children.

(*f*) "Form" means a form appended to these rules.

(*g*) "Government" means the Government of Mysore.

(*h*) "Section" means a section of the Act.

(*i*) Words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.

Enquiry by Government before passing orders fixing, opening and closing hours of shops.

3. (1) The Government or any officer authorised by them under Section 48 (1) shall make the inquiry under Sub-Section (2) of Section 7 in the manner prescribed in this rule.

(2) Before passing an order under Sub-Section (1) of Section 7 the Government or any officer authorised by them shall give notice of its intention to pass such order. The notice shall be in Form 1, and shall, unless a copy of the order proposed to be passed is annexed to it, specify the area and the shop or shops or class or classes of shops to which the order shall apply, the hours of opening or the hours of closing, or both, which are proposed to be fixed and the days in respect of which such hours are so proposed to be fixed. The notice shall also state that objections and suggestions with respect to such orders, if any, may be sent to the officer mentioned in the notice within one month from the date of such notice.

(3) The notice shall be published in the Gazette and the copies of the notice shall be affixed at such public places in the area to which the order is proposed to be applied as the Government or the officer authorised by them may deem fit. Copies of the notice shall be sent to the Local Authority in whose jurisdiction such area is situated and to such associations, or organisations as the Government may deem fit. The notice shall also be published in not less than one newspaper having circulation in such area.

(4) Government or the officer authorised by them shall consider all objections and suggestions received under Sub-Rule (2) before passing the order under Sub-Section (1) of Section 7.

Enquiry by Government before passing orders fixing, opening and closing hours of Commercial Establishments.

4. The provisions of Rule 3 shall *mutatis mutandis* apply to an enquiry to be made by Government under Sub-Section (2) of Section 13.

Establishment to be kept clean b limewashing, etc.

5. (1) In every establishment, all the inside walls of the rooms and all the ceilings or tops of such rooms (whether such walls, ceilings or tops be plastered or not), and all the passages and staircases shall be lime-washed at least once in each year dating from the period when last lime-washed. All the beams, rafters, doors, window frames and other wood work with the exception of floors shall be either lime-washed or colour-washed at least once a year dating from the period when last lime-washed or colour-washed or shall be painted or varnished once in seven years dating from the period when last painted or varnished and shall be kept in a cleanly state.

(2) All internal structural iron and steel work shall be cleaned and painted or varnished at least once in seven years from the period when last painted or varnished unless the Inspector by written order requires more frequent treatment of specified portions. The dates on which lime-washing, colour-washing, painting or varnishing is carried out shall be duly entered in Form II, which shall be shown to the Inspector when required :

Provided that the provisions of these sub-rules shall not apply to :—

(i) rooms used only for the storage of articles ;

(ii) walls or tops of rooms which are made of galvanised iron, tiles, asbestos sheets or similar material or glazed bricks ;

(iii) any other establishment or parts thereof in which lime-washing or painting is in the opinion of the Government unnecessary to satisfy the requirements of Section 20 as to cleanliness.

Rubbish not to be allowed to accumulate.

6. No rubbish, filth, or debris shall be allowed to accumulate or to remain on any premises in an establishment in such position that effluvia therefrom can arise within the establishment.

Compound to be kept clean.

7. The compound surrounding every establishment shall be maintained in a sanitary and clean condition.

Establishments to be sufficiently lighted.

8. As long as any persons employed are present in an establishment, the latrines, passages, stairs, hoists, establishment grounds and other parts of the establishment, in so far as the entrance of the said places is not closed, shall be lighted in such manner that safety is fully secured in passing through or remaining in the same.

Buildings of more than one storey to be provided with 2 stairs.

9. Every building of more than one storey shall be provided with at least two sets of stairs or steps permanently fixed either inside or outside the building, so as to afford direct and unimpeded access from every part of the establishment to the ground level. Such stairs shall be provided with a suitable and sufficient hand-rail or other convenient support. In establishments employing less than forty persons, the Inspector may accept in lieu of a second set of stairs or steps, such other means of escape in case of fire as can reasonably be required in the circumstances of each case.

Exits to external stairs to open from inside.

10. Every window or door giving access to an external stair-case shall be so arranged as to open immediately from inside.

Procedure in appeals.

11. The employer on whom an order in writing by an Inspector has been served under the provisions of Chapter V of the Act may within thirty days of the service of the order, appeal against it to the Commissioner of Labour.

(2) The appeal shall be in the form of a memorandum setting forth concisely the grounds of objection to the order and bearing court fees stamp in accordance with Article 7 of Schedule II of the Mysore Court Fees Act, 1900, and shall be accompanied by a copy of the order appealed against.

(3) The appellate authority may, suspend the order appealed against pending the decision of the appeal, subject however, to such conditions as to partial compliance or the adoption of temporary measures as it may choose to impose in any case.

Holidays with Wages Register.

12. (1) The employer shall maintain a holiday with Wages Register in Form III and make a return in Form V, not later than the 1st March of the year subsequent to that to which it relates :

Provided that, if the Inspector is of the opinion that any muster roll or register maintained as part of the

routine of the establishment, or return made by the employer, gives in respect of any or all of the persons employed in the establishment the particulars required for the enforcement of Chapter VI of the Act, he may, by order in writing direct that such muster roll or register or return shall, to the corresponding extent, be maintained in place of and be treated as the register or return required under this rule for that establishment.

(2) The register maintained under sub-rule (1) shall be preserved for a period of three years after the last entry in it and shall be produced before the Inspector on demand.

Holiday Book of the person employed.

13. (1) The employer shall provide each person employed with a book called "Holiday Book" in Form IV. The book shall be the property of the person employed, and the employer or his agent shall not demand it except to make entries of the dates of holidays or interruptions in service, and shall not keep it for more than ten days at a time.

(2) If a person employed loses his "Holiday Book" the employer shall provide him with another copy on the payment of an anna, and shall complete it from his record.

Production of medical certificate by person employed.

14. If so required by the employer in writing the person employed shall submit a medical certificate signed by a registered medical practitioner or by a registered or recognized *vaid* or *hakim* stating the cause of the absence and the period for which the person employed is, in his opinion, unable to attend to his work.

Notice by person employed for not availing himself of holidays due to him in a year.

15. Before or on the completion of a period of twelve months' continuous service in the establishment, as defined in Section 25, a person employed may give notice to the employer of his intention not to avail himself of holidays falling due in the following period of twelve months. The employer shall make an entry to that effect, in the register in respect of that person employed and in his Holiday Book.

Programme of holidays to be prepared by employer.

16. Except in regard to the person employed who has given notice of his intention not to avail himself of holidays in the year in which these accrue, the employer shall prepare a programme of holidays stating the dates on which holidays with wages shall be allowed to each person employed or groups of persons employed as the case may be including the person employed who has

accumulated his holidays over two periods of twelve months each and shall give notice of the dates so fixed to each person employed. Any date so fixed by the employer shall not, in an individual case, be earlier than three weeks from the date on which notice as aforesaid is given by the employer unless the person employed agrees to take the holidays earlier. The necessary entries shall be made in the Register and the Holiday Book.

Members of one family to be allowed holidays on the same date.

17. As far as circumstances permit members of the same family shall be allowed holidays on the same date.

Notice by employer of alteration of dates fixed for holidays.

18. The employer may alter the dates fixed for holidays only after giving a notice of four weeks to the person employed.

Exchange of leave between persons employed.

19. A person employed may exchange the period of his leave with another person employed subject to the approval of the employer.

Register of Fines.

20. (1) In any establishment in respect of which the employer has obtained approval under Sub-Section (1) of Section 35 to a list of acts and omissions in respect of which fines may be imposed, the employer shall maintain a register of fines in Form VI.

(2) At the beginning of the Register of Fines there shall be entered serially numbered the approved purpose or purposes on which the fines realised are to be expended,

(3) Vouchers or receipts in connection with any expenditure from the fines' funds shall be produced for the scrutiny of the Inspector when required by him.

Register of deductions for damage or loss.

21. In every establishment in which deductions for damage or loss are made the employer shall maintain the register required by Sub-Section (2) of Section 37 in Form VII.

Register of Wages.

22. A Register of Wages shall be maintained in every establishment and may be kept in such form as the employer finds convenient but shall include the following particulars :—

(*a*) the gross wages earned by each person employed for each wage period ;

(*b*) all deductions made from those wages, with an indication in each case of the clause of Sub-Section (2) of Section 34 under which the deduction is made ;

(*c*) the wages actually paid to each person employed for each wage period.

Maintenance of Registers.

23. The registers required by Rules, 20, 21, 22 and 33 shall be preserved by the employer for twelve months after the date of the last entry made in them.

Weights, Measures and Weighing Machines.

24. All weights or measures or weighing or measuring instruments which are used in checking or ascertaining the wages of persons employed in any establishment shall be examined in accordance with the provisions of the Mysore Weights and Measures Act. If an Inspector considers that any action should be taken under the said Act, he may seize the article in question and shall report the matter with his opinion to the Inspector of Weights and Measures having jurisdiction under the said Act for necessary action.

Notice of dates of payment.

25. The employer shall display in a conspicuous place at or near the main entrance of the establishment, a notice in English and in the language of the majority of the persons employed therein, showing the days on which wages are to be paid.

Prescribed authority.

26. The Commissioner of Labour shall be the authority competent to approve under sub-section (1) of section 35, acts and omissions in respect of which fines may be imposed and, under sub-section (8) of section 35 the purposes on which the proceeds of fines shall be expended.

Application in respect of fines.

27. Every employer requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the authority appointed under rule 26 :—

(*a*) a list, in English or Kannada in duplicate, clearly defining such acts and omissions ;

(*b*) in cases where the employer himself does not intend to be the sole person empowered to impose fines, a list, in duplicate, showing those appointments in his establishment of which the incumbents may pass orders imposing fines and the class of establishment on which the incumbent of each such appointment may impose fine.

Approval of lists.

28. The authority appointed under rule 26 on receipt of the lists prescribed in the preceding rule may, after such enquiry as he considers necessary, pass orders either :—

(*a*) disapproving the lists,

(*b*) approving the lists either in their original form or as amended by him, in which case such lists shall be considered to be approved lists, provided that no order disapproving or amending any lists shall be passed unless the employer shall have been given an opportunity, of showing cause orally or in writing why the lists as submitted by him should be approved.

Posting of list.

29. The employer shall display at or near the main entrance of the factory a copy in English, together with a literal translation thereof, in the language of the majority of the persons employed therein, of the list of acts and omissions approved under rule 28.

Persons authorised to impose fines.

30. No fine may be imposed by any person other than an employer, or a person holding an appointment named in a list submitted under rule 27.

Procedure in imposing fines and deductions.

31. Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss shall explain personally to the said person the act or omission, or damage or loss, in respect of which the fine or deduction is proposed to be imposed and the amount of the fine or deduction, which it is proposed to impose, and shall hear his explanation in the presence of at least one other person.

Deductions for breach of contract.

32. (1) No deduction for breach of contract shall be made from the wages of an employed person who is under the age of fifteen years or is a woman.

(2) No deduction for breach of contract shall be made from the wages of any employed person unless :—

(*a*) there is provision in writing forming part of the terms of the contract of employment requiring him to give notice of the termination of his employment and

(i) the period of this notice does not exceed fifteen days or the wage-period whichever is less; and

(ii) the period of this notice does not exceed the period of notice which the employer is required to give of the termination of that employment;

(*b*) this rule has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the establishment and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made;

(*c*) a notice has been displayed at or near the main entrance of the establishment giving the names of the persons from whom the deduction is proposed to be made, the number of days' wages to be deducted and the conditions (if any) on which the deduction shall be remitted :

Provided that where the deduction is proposed to be made from all the persons employed in any departments or sections of the establishment, it shall be sufficient, in lieu of giving the names of the persons in such departments or sections, to specify the departments or sections affected.

(3) No deduction for breach of contract shall exceed the wages of the person employed for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment.

(4) If any conditions have been specified in the notice displayed under clause (*c*) of sub-rule (2), no deduction for breach of contract shall be made from any person who has complied with these conditions.

Advances.

33. (1) An advance of wages not already earned shall not, without the previous permission of an Inspector, exceed an amount equivalent to the wages earned by the employed person during the preceding four calendar months, or if he has not been employed for that period, the wages he is likely to earn during the four subsequent calendar months.

(2) The advance may be recovered in instalments by deductions from wages spread over not more than eighteen months. No instalment shall exceed one-third, or where the wages for any wage-period are not more than twenty rupees, one-fourth of the wages for the wage-period in respect of which the deduction is made.

(3) The amounts of all advances sanctioned and the repayments thereof shall be entered in a register in Form VIII.

(4) The rate of interest charged for advances granted under sub-rule (1) shall not exceed $6\frac{1}{4}$ per cent per annum.

34. (1) An appeal under sub-section (2) of section 41 of the Act may be presented to the Commissioner of Labour or any Gazetted Officer subordinate to him and empowered by him generally or specifically in this behalf within thirty days of the receipt of the order of dismissal by the employed person.

(2) The appeal shall be in the form of a memorandum setting forth concisely the grounds of objection to the order and shall be accompanied by a copy of the order appealed against.

Manner of examination of premises etc., by the Inspectors.

35. (1) An Inspector, making an examination under section 43 shall make such examination of the premises and of the prescribed registers, records and notices as may appear to him necessary for the purpose of satisfying himself that the provisions of the Act, of these rules and any orders passed by Government under the Act are being properly observed. In particular, he shall satisfy himself:—

(i) that the registers, records and notices required to be maintained or exhibited under the Act or these rules are properly maintained or exhibited;

(ii) that the intervals of rest and the holidays required to be granted under the Act are granted and that the limits of hours of work and spread-over laid down under the Act are not exceeded;

(iii) that the provisions of the Act relating to the payment for overtime work are duly observed;

(iv) that no child is allowed to work in any establishment to which the Act applies; and

(v) that the provisions of the Act and any orders issued by Government regarding the opening or closing hours are duly observed.

(2) For carrying out such examination, the Inspector may interrogate such persons on the premises, as he may deem necessary, provided that no such person, shall be required under this rule, to answer any question the answer to which might tend to criminate him.

Ascertainment of age by the Inspectors.

36. (1) An Inspector may require an employer to produce a certificate of age from a registered medical practitioner in respect of any person employed by him.

(2) Such certificate shall be in Form IX.

Maintenance of registers and records and display of notices.

37. (1) Every employer shall maintain a register of employment in Form X provided that where the opening and closing hours are ordinarily uniform the employer may maintain such Register in Form XI.

(2) Notwithstanding anything contained in sub-rule (1) an employer may, instead of maintaining a register as provided in the said sub-rule, exhibit in his establishment, a notice specifying the daily hours to be worked by, and intervals for rest and meals to be allowed to, the persons employed. The notice shall be in Form XII and shall be exhibited not later than the closing hour on the Saturday immediately preceding the first week in which the hours of work shall be as specified in such notice. It shall continue to be exhibited so long as the hours of work specified in it are observed.

(3) Where an employer has exhibited the notice referred to in sub-rule (2), he shall keep a record of hours of work in Form XIII.

(4) Every employer shall exhibit in his establishment a notice in Form XIV specifying the day or days of the week on which the persons employed by him shall be given a holiday. The notice shall be exhibited before the persons to whom it relates cease work on the Saturday immediately preceding the first week during which it is to have effect.

(5) Every employer shall exhibit in his establishment a notice containing such extracts of the Act and these rules, in English and in the language of the majority of the persons employed by him as the Government may direct.

(6) Any notice required to be exhibited under these rules shall be exhibited in such manner that it can be readily seen and read by any person whom it affects and shall be renewed whenever it becomes defaced or otherwise ceases to be clearly legible.

(7) In any register or record which an employer is required to maintain under these rules the entries relating to any day shall be made on such day.

(8) Save as otherwise provided in these rules, the registers, records and notices relating to any calendar year shall be preserved till the end of the next calendar year.

(9) If on an application made by an employer in writing, the Government is satisfied that any muster roll, register or record maintained by such employer gives in respect of all or any of the persons employed in his establishment the particulars required to be shown in any register, record or notice prescribed under this rule, the Government, may, by order in writing direct that such

muster roll, register or record shall to the corresponding extent be maintained in place of such register, record or notice as the case may be.

(10) Save as otherwise prescribed in sub-rule (5), all registers, records, muster rolls and notices required to be maintained, exhibited or given under these rules shall be either in English or in Kannada.

(11) Every employer shall maintain a Visit Book in which an Inspector or other competent authority visiting the establishment may record his remarks regarding any defects that may come to light at the time of his inspection and shall produce it whenever required to do so by any Inspector or other competent authority.

Manner of calculating the ordinary rate of wages.

38. For the purpose of the explanation to section 31 the "ordinary rate of wages" per hour shall be calculated in the following manner:—

Persons employed	Ordinary rate of wages per hour		
	If the person is employed on daily wages	If the person is employed on monthly wages	If the person is employed on yearly wages
(1) A person employed in a shop.	2/19 of the amount of daily wages.	1/247 of the amount of monthly wages.	1/2964 of the amount of yearly wages.
(2) A person employed in a commercial establishment.	1/8 of the amount of daily wages.	1/208 of the amount of monthly wages.	2/2496 of the amount of yearly wages.
(3) A person employed in a restaurant, eating house, theatre or other place of public amusement and entertainment.	1/10 of the amount of daily wages.	1/260 of the amount of monthly wages.	1/3120 of the amount of yearly wages.

Penalty.

39. Whoever contravenes any of these rules shall, on conviction, if no other penalty is already provided in the Act for such contravention, be punishable with fine which may extend to rupees fifty.

FORM I.

(RULES 3 AND 4.)

Notice is hereby given that the Government proposes to pass an order under sub-section (1) of section 7/13 of the Mysore Shops and Establishments Act, 1948, that with effect from .....

no shops
commercial establishment situated in ..... shall be opened on any day earlier than .....and/or shall be closed on any day later than.....

Any person wishing to make any objection or suggestion with respect to the above order shall send the same in writing to the Commissioner of Labour before the ..... day of .....1948.

Dated this ..... day of ..... 1948.

.....
Secretary to Government,
General Department.

FORM II.

(RULE 5.)

Lime-washing, etc.

Part of establishment, *e.g.*, name of room	Parts lime-washed, painted or varnished, *e.g.*, walls, ceilings, wood work, etc.	Treatment (whether lime-washed, painted or varnished)	Date on which lime-washing, painting or varnishing was carried out (according to the English Calendar)			Signature of occupier or employer	Remarks
			Day	Month	Year		

.....
(*Signature of Occupier*).

.....
(*Signature of Employer*).

FORM III.

(RULE 12).

Register of Holidays with wages.

Establishment.....Part I Adults

Department.....Part II young persons.

Sl. No.	Serial number in the Register of Employment of adult/ young person	Name	Father's name	Date of entry into service	Interruptions				
					Sickness and accident	Authorised leave	Lockout or legal strike	Involuntary unemployment	Others
1	2	3	4	5	6	7	8	9	10

Holidays due with effect from	Whether holidays not desired during the next twelve months	Date from which the person employed is allowed leave	Remuneration paid on	Discharged employee		Remarks
				Date of discharge	Date and amount of payment made in lieu of holidays due	
11	12	13	14	15	16	17

FORM IV.

(RULE 13).

Holiday Book.

Will be the same as the register but will be made out separately for each person employed on a thick bound sheet.

FORM V.

(RULE 12.)

Holidays with wages—Annual Return.

Name of establishment ..... for the year ending 31st December 194 .

Name of occupier .... Name of employer..... .....
District.....
Postal address.....
Nature of establishment.....

Total number of persons employed during the year. —

Men.....
Women ....
Young persons . .....

Number of persons who completed twelve months' continuous service during the year.—

Men.....
Women .....
Young persons.....

Number of persons who were granted holidays during the year.—

Men.....
Women .. ..
Young persons.....

Number of persons who gave notice not to avail themselves of holidays during the year in which holidays accrued.—

Men... .....
Women .....
Young persons.....

———

FORM VI.—(RULE 20).

Register of Fines.

Name of Establishment :—

Name of person employed fined	Father's name	Department	Act or omission for which fine was imposed	Amount of fine	Designation of officer imposing fine	Date on which fine was imposed	Whether person employed showed cause against fine or not. If so, enter date	Wages payable*		Total amount of fines	Date or dates on which fines or total fines were recovered	Remarks
								Amount	Wage period†			
1	2	3	4	5	6	7	8	9	10	11	12	13

* By "wages payable" is meant the gross wages earned by a person employed.

† Here enter month if payment is made by the English Calendar month. In the case of other pay periods, enter "week" or "fortnight" as the case may be, giving the dates covered by the pay period.

FORM VII.—(RULE 21).

Register of deductions for damage or loss caused to employers through the neglect or default of persons employed in respect of goods expressly entrusted to them for custody.

Name of Establishment :—

Serial number	Name	Father's name	Department	Damage or loss caused	Amount of deduction imposed	Designation of officer imposing deduction	Date when deduction imposed	Whether person employed showed cause against deduction or not	Nuber of instalments, if auy, in which deduction is proposed to be recovered	Date on which total amount of deduction imposed was realised	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

FORM VIII.—(RULE 33).

Register of advances made to persons employed.

Name of Establishment :—

Serial number	Name	Father's Name	Department	Date and amount of advance made	Purpose(s) for which advance made	Number of instalments by which advance to be repaid	Postponements granted	Dates on which total amount repaid	Remarks

FORM IX

(RULE 36).

Form of Certificate.

I hereby certify that I have personally examined (name) ..... $\frac{\text{son}}{\text{daughter}}$ of ..... (Community, etc.) ..... residing at ..... and that $\frac{\text{he}}{\text{she}}$ has comple $\frac{\text{his}}{\text{er}}$ $\frac{\text{twelfth}}{\text{seventeenth}}$ year.

Description marks are

Thumb impression or Signature.

Medical Practitioner.

FORM X.

[RULE 37(1).]

Register of Employment.

Month..... Year.....

Names of persons employed	Whether young person or not	Days of month					Total hours worked during the month	Days on which overtime work is done and extent of such overtime on each day*	Extent of overtime worked during the month	Extent of overtime worked previously during the year
		1			2	3				
		Time at which employment commences	Time at which employment ceases	Rest interval						

NOTE.—The mark " H " shall be made in the column relating to any day on which a holiday is given in accordance with the notice referred to in rule 37(4).

* This column need not be filled by commercial establishments.

FORM XI.

[RULE 37(1).]

Register of Employment.

Where opening and closing hours are ordinarily uniform.

Month..... Year.....

Names of persons employed	Whether young person or not	Time at which employment ceases	Rest interval	Hours worked on											Total hours worked during the month	*Days on which overtime work is done and extent of such overtime on each occasion	Extent of overtime worked during the month	Extent of overtime worked previously during the year
				1	2	3	4	5	6	7	8	9	10	11				

NOTE—The mark "H." shall be made in the column relating to any day on which a holiday is given in accordance with the notice referred to in rule 37(4).

* This column need not be filled by commercial establishments.

FORM XII.

RULE 37 (2)]

Notice.

Daily periods of work of persons employed

Commencing 19 .

Name of Employer or Establishment

Description of Department (if applicable)

Names of persons employed	Whether young person or not	Day		
		Employment to commence	Intervals for meals and rest	Employment to cease

(*Signed*),
(*Employer*)
Date 19 .

NOTE.—1. This notice must be exhibited not later than the closing hour on the Saturday preceding the first week in which it is to take effect, and must continue to be exhibited while it is in force, in such a manner that it may be readily seen and read by any person whom it affects.

2. The hours to be specified in this notice shall be the hours to be worked exclusive of overtime.

3. The entries under the heading "Intervals for meals and rest" shall be the actual times at which the intervals are to begin and end (*e.g.*, 1 P.M. to 2 P.M.).

FORM XIII.

[RULE 37 (3).]

Record of Hours of work of persons employed.

(To be used only when Notice in Form XII is exhibited).

Description of Department (if applicable).

Month ..... year .....

Names of persons employed	Whether young person or not	Total hours worked during the month	*Days on which over-time work is done and extent of such overtime on each occasion	Extent of overtime worked during the month	Extent of overtime worked previously during the year

*This column need not be filled by commercial establishments.

NOTE.—Entries relating to any day must be made on that day.

FORM XIV.

[RULE 37 (4)].

Notice.

Holiday

The persons employed * in this
- Shop.
- Commercial Establishment.
- Restaurant.
- Eating house.
- Residential hotel.
- Theatre, etc.
- Other places of public amusement or entertainment.

Shall be given a holiday on the day named below in the week following the date of this notice and until further notice. †

‡Names or class of persons employed	Day on which holiday is allowed

Signature of Employer.

Date ... .

* Strike out the words which are not appropriate.

†Strike out the words "and until further notice" if the notice is intended to apply only to one week.

‡ If the same day is fixed for all the persons employed the word "all" only need be inserted in this column.

NOTIFICATION.

No. A. 3409--L. W. 141-47-2, dated 29th Marah 1948.

Draft of the Mysore Payment of Wages Rules.

The following draft of the Mysore Payment of Wages Rules which it is proposed to make in exercise of the powers conferred by sub-section (2) of Section 25 of the Payment of Wages Act, 1948 (III of 1948), is hereby published for general information as required by sub-section (5) of the said section.

Notice is hereby given that the draft will be taken into consideration after three months and three days from the date of publication in the Gazette and that any objection or suggestion which may be received from any person with respect thereto before the date aforesaid will be considered by the Government of Mysore. Objections and suggestions should be addressed to the General Secretary to Government through the Commissioner of Labour in Mysore, Bangalore.

MOHAMED ISMAIL SHERIFF, *Genl. Secy.*

Draft Rules.

Title. 1. These rules may be called the "Mysore Payment of Wages Rules, 1948."

Definitions. 2. In these rules, unless there is anything repugnant in the subject or context :—

(*a*) "the Act" means the Payment of Wages Act (III of 1948);

(*b*) "the Authority" means the authority appointed under sub-section (1) of section 15 of the Act;

(*c*) "the Chief Inspector of Factories" means the Chief Inspector of Factories appointed under sub-section (2) of section 10 of the Mysore Factories Act (I of 1936);

(*d*) "the Court" means the Court mentioned in sub-section (1) of section 17 of the Act;

(*e*) "deduction for breach of contract" means a deduction made in accordance with the provision of the proviso to sub-section (2) of section (9);

(*f*) "deduction for damage or loss" means a deduction made in accordance with the provisions of clause (*c*) of sub-section (2) of section 7;

(*g*) "Form" means a form appended to these rules;

(*h*) "Inspector" means the Inspector authorised by or under section 14 of the said Act;

(*i*) "person employed" excludes all persons to the payment of whose wages the Act does not apply;

(*j*) "section" means a section of the Act;

(*k*) "paymaster" means an employer or other person responsible under section 3 of the Act for the payment of wages;

(*l*) words and expressions defined in the Act shall be deemed to have the same meaning as in the Act.

SECTION 25 (2) AND 25 (3) (*a*).

Register of fines.

3. (1) In any factory in respect of which the employer has obtained approval under sub-section (1) of section 8 to a list of acts and omissions in respect of which fines may be imposed, the paymaster shall maintain a Register of Fines in Form I.

(2) At the beginning of the Register of Fines, there shall be entered serially numbered the approved purpose or purposes on which the fines realized are to be expended.

(3) Vouchers or receipts in connection with any expenditure from the fines' fund shall be produced for the scrutiny of the Inspector when required by him.

Register of deductions for damage or loss.

4. In every factory in which deductions for damage or loss are made the paymaster shall maintain the Register required by sub-section (2) of section 10 in Form II.

Register of wages.

5. A Register of Wages shall be maintained in every factory and may be kept in such form as the paymaster finds convenient but shall include the following particulars:—

(*a*) the gross wages earned by each person employed for each wage period;

(*b*) all deductions made from those wages, with an indication in each case of the clause of sub-section (2) of section 7 under which the deduction is made;

(*c*) the wages actually paid to each person employed for each wage period.

Maintenance of registers.

6. The registers required by rules 3, 4, 5 and 17 shall be preserved by the employer for twelve months after the date of the last entry made in them.

SECTION 25 (3) (*c*).

Weights, Measures and Weighing Machines.

7. All weights or measures or weighing or measuring instruments which are used in checking or ascertaining the wages of persons employed in any factory shall be examined in accordance with the provisions of the Mysore Weights and Measures Act, 1902. If an Inspector considers that any action should be taken under the said Act, he may seize the article in question and shall report the matter with his opinion to the Inspector of Weights and Measures having jurisdiction under the said Act for necessary action.

SECTION 25 (3) (*d*).

Notice of dates of payment.

8. The paymaster shall display, in a conspicuous place at or near the main entrance of the factory, a notice in English and in the language of the majority of the persons employed therein, showing the days on which wages are to be paid.

SECTION 25 (3) (*a*), (*f*), (*g*) and (*i*).

Prescribed authority.

9. The Chief Inspector of Factories shall be the authority competent to approve under sub-section (1) of section 8, acts and omissions in respect of which fines may be imposed and, under sub-section (8) of Section 8, the purposes on which the proceeds of fines shall be expended.

Application in respect of fines.

10. Every employer requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the authority appointed under rule 9 :—

(*a*) a list, in english, in duplicate, clearly defining such acts and omissions;

(*b*) in cases where the employer himself does not intend to be the sole person empowered to impose fines, a list, in duplicate, showing these appointments in his factory of which the incumbents may pass orders imposing fines and the class of establishment on which the incumbent of each such appointment may impose fine.

Approval o lists.

11. The authority appointed under rule 9 on receipt of the lists prescribed in the preceding rule may, after such enquiry as he considers necessary, pass orders either :—

(*a*) disapproving the lists,

(*b*) approving the lists either in their original form or as amended by him, in which case such lists shall be considered to be approved lists,

provided that no order disapproving or amending any lists shall be passed unless the employer shall have been given an opportunity of showing cause orally or in writing why the lists as submitted by him should be approved.

Posting of list.

12. The employer shall display at or near the main entrance of the factory a copy in English, together with a literal translation thereof, in the language of the majority of the persons employed therein, of the list of acts and omissions approved under rule 11.

Persons authorised to impose fines.

13. No fine may be imposed by any person other than an employer, or a person holding an appointment named in a list submitted under rule 10.

Procedure imposing fines and deductions.

14. Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss shall explain personally to the said person the act or omission, or damage or loss, in respect of which the fine or deduction is proposed to be imposed and the amount of the fine or deduction, which it is proposed to impose, and shall hear his explanation in the presence of at least one other person.

Information to paymaster.

15. The person imposing a fine or directing the making of a deduction for damage or loss shall at once inform the paymaster of all particulars, so that the register described in rule 3 or rule 4 may be duly completed.

SECTION 25 (3) (*h*).

Deductions for breach of contract.

16. (1) No deduction for breach of contract shall be made from the wages of an employed person who is under the age of fifteen years or is a woman.

(2) No deduction for breach of contract shall be made from the wages of any employed person unless:—

(*a*) there is provision in writing forming part of the terms of the contract of employment requiring him to give notice of the termination of his employment and

(i) the period of this notice does not exceed fifteen days of the wage-period, whichever is less; and

(ii) the period of this notice does not exceed the period of notice which the employer is required to give of the termination of that employment;

(*b*) this rule has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the factory and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made;

(*c*) a notice has been displayed at or near the main entrance of the factory giving the names of the persons from whom the deduction is proposed to be made, the number of days' wages to be deducted and the conditions (if any) on which the deduction shall be remitted:

Provided that where the deduction is proposed to be made from all the persons employed in any departments or sections of the factory, it shall be sufficient, in lieu of giving the names of the persons in such departments or sections, to specify the departments or sections affected.

(3) No deduction for breach of contract shall exceed the wages of the person employed for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment.

(4) If any conditions have been specified in the notice displayed under clause (c) of sub-rule (2), no deduction for breach of contract shall be made from any person who has complied with these conditions.

SECTION 25 (2) AND 25 (3) (*j*).

Advances.

17. (1) A advance of wages not already earned shall not, without the previous permission of an Inspector, exceed on amount equivalent to the wages earned by the employed person during the preceding four calendar months, or if he has not been employed for that period, the wages he is likely to earn during the four subsequent calendar months.

(2) The advance may be recovered in instalments by deductions from wages spread over not more than eighteen months. No instalments shall exceed one-third, or where the wages for any wage-period are not more than twenty rupees, one-fourth of the wages for the wage-period in respect of which the deduction is made.

(3) The amounts of all advances sanctioned and the repayments thereof shall be entered in a register in Form III.

(4) The rate of interest charged for advances under sub-rule (1) shall not exceed 6¼ per cent per annum.

SECTION 25 (2), 25 (3) (*a*) AND 25 (3) (*b*).

Annual Return.

18. The paymaster shall send a return in Form IV in respect of every factory so as to reach the authority appointed under rule 9 not later than the 15th of February following the end of the calendar year to which it relates.

Display of rates of wages.

19. In every cotton spinning and weaving factory and in every artificial silk factory, a notice shall be displayed by the paymaster in each department of the factory, specified the rates of wages payable to all persons employed in such factory other than those who are employed in positions of supervision or management or those who are employed in a confidential position in accordance with the provisions of the Mysore Factories Rules, 19.

SECTION 25 (3) (*j*).

Costs.

20. (1) Where the Authority or the Court, as the case may be, directs that any costs shall not follow the event, it shall state his/its reasons for so doing in writing.

(2) The costs which may be awarded shall include :—

(*a*) the charges necessarily incurred on account of court-fees ;

(*b*) the charges necessarily incurred on subsistence money to witnesses ; and

(*c*) Pleader's fees which shall ordinarily be Rs. 10, provided that the Authority or the Court, as the case may be, in any proceedings, may reduce the fee to a sum not less Rs. 5 or increase it to a sum not exceeding Rs. 30.

(3) When a party engages more pleaders than one to defend a case, he shall be allowed one set of costs only.

Fees.

21. The Authority or the Court, as the case may be, may fix fees on the payment of which any person entitled to do so may obtain copies of any documents filed with the Authority or Court, as the case may be :

Provided that the Authority or the Court, as the case may be, may, in consideration of the property of the applicant, grant copies free of cost.

SECTION 25 (3) (*l*).

22. The fee payable in respect of proceedings under the Act shall be :—

(i) For every application to summon a witness.	Four annas in respect of each witness.
(ii) For every other application made by or on behalf of an individual person before the Authority.	Eight annas.
(iii) For every other application made by or on behalf of an unpaid group before the Authority.	Four annas for each member of the group, subject to a maximum of five rupees.
(iv) For every appeal lodged with the Court.	Five rupees.

Provided that the Authority or the Court may, in consideration of the poverty of the applicant, reduce or remit the fee ;

Provided further that no fee shall be chargeable in respect of an application presented by an Inspector.

SECTION 25 (3) (*m*).

Abstracts.

23. The abstracts of the Act and of the rules made thereunder to be displayed under section 24 shall be in Form V.

SECTION 25 (4).

Penalties.

24. Any breach of rules 3, 4, 5, 6, 8, 12, 15, 18 and 19 of these rules shall be punishable with fine which may extend to two hundred ruppes.

FORM IV.

Deductions from Wages.

Return for the year ending 31st December 19

1. (*a*) Name of the Factory.
   (*b*) Postal address.
   *(*c*) Class of Factory.

2†. Average number of workers employed daily—

‡ on day shift ... (Men)
... (Women)
‡ on night-shift ... (Men)

Total ...

3†. Actual number of days worked during the year—

‡ On day-shift
‡ On night-shift.

4. Total wages paid including deductions under clauses (*d*) to (*j*) of sub-section (2) of section 7 of the Payment of Wages Act, 1948, but not other deductions :—

	Rs. a. p.
(Men) ...	
(Women) ...	
Total ...	

5. Number of cases and amounts realised as—

	No. of cases	Amount
		Rs. a. p.
(*a*) Fines		
(*b*) Deductions for damage or loss		
(*c*) Deductions for breach of contract		

6. Disbursements from fine fund :—

	Amount	Purpose
	Rs. a. p.	

Signature .....

Dated .....19.. *Designation* .....

e.g.—Cotton mill, Iron foundry, Flour mill, etc.

† Information should only be given for those workers whose wages payable are less than Rs 200 per month.

‡ If any factory runs more than two shifts, the information should be given separately for each shift, *e.g.*, 1st shift, 2nd shift and 3rd shift.

FORM V.

Abstract of the Payment of Wages Act, 1948 and the Rules made thereunder.

Whom the Act affects.

1. The Act applies to the payment of wages to persons in this factory receiving less than Rs. 120 a month.

2. No employed person can give up by contract, or agreement, his rights under the Act.

Definition of Wages.

3. "Wages" means all remuneration payable to an employed person on the fulfilment of his contract of employment.

It includes over-time pay; bonus, additional remuneration for increased output or any other additional remuneration of similar nature, any sum payable to counteract abnormal economic conditions and any sum payable for want of proper notice of discharge.

It excludes—

(*a*) the value of house-accommodation, supply of light, water, medical attendance, or other amenity or of any service excluded by the Government;

(*b*) the employer's contribution to a pension or provident fund;

(*c*) travelling allowance or concession or other special expenses entailed by the employment;

(*d*) any gratuity payable on discharge.

Responsibility for and method of Payment.

4. The manager of the factory is responsible for the payment under the Act of wages to persons employed under him, and any contractor employing persons is responsible for payment to the persons he employs.

5. Wage-periods shall be fixed for the payment of wages at intervals not exceeding one month.

6. Wages shall be paid on a working day within ten days of the end of the wage period.

The wages of a person discharged shall be paid not later than the third working day after his discharge.

7. Payments in kind are prohibited.

Fines and Deductions.

8. No deductions shall be made from wages except those authorised under the Act (see paragraphs 9—15 below).

9. (1) Fines can be imposed only for such acts and omissions as the employer may, with the previous approval of the Chief Inspector of Factories, specify by a notice displayed at or near the main entrance of the factory and after giving the employed person an opportunity for explanation.

(2) Fines—

(*a*) shall not exceed half-an-anna in the rupee ;

(*b*) shall not be recovered by instalments, or later than sixty days of the date of imposition ;

(*c*) shall be recorded in a register and applied to such purposes beneficial to the employed persons as approved by the Chief Inspector of Factories ;

(*d*) shall not be imposed on an employed person under the age of fifteen years.

10. (*a*) Deductions for absence from duty can be made only on account of the absence of the employed person at times when he should be working, and such deductions must not exceed an amount which is in the same proportion to his wages for the wage period, as the time he was absent in that period is to the total time he should have been at work.

(*b*) If ten or more employed persons, acting in concert, absent themselves without reasonable cause and without due notice, the deduction for absence can include wages for eight days in lieu of notice, but—

(1) no deduction for breaking a contract can be made from a person under 15 or a woman.

(2) there must be a provision in writing which forms part of the contract of employment requiring that a specific period of notice of intention to cease work not exceeding 15 days or the period of notice which the employer has to give to discharge a worker, must be given to the employer and that wages may be deducted in lieu of such notice.

(3) The above provision must be displayed at or near the main entrance of the factory.

(4) No deduction of this nature can be made until a notice that this deduction is to be made has been posted at or near the main entrance of the factory.

(5) No deduction must exceed the wages of the employed person for the period by which the notice he gives of leaving employment, is less than the notice he should give under his contract.

11. Deductions can be made for damage to or loss of goods expressly entrusted to an employed person or for loss of money for which he is required to account, where such damage or loss is due to his neglect or default.

Such deduction cannot exceed the amount of the damage or loss caused and can be made only after giving the employed person an opportunity for explanation.

12. Deductions can be made, equivalent to the value thereof, for house accommodation, amenities, or services (other than tools and raw material) supplied by the employer, provided these are accepted by the employed person as a part of the terms of his employment and have in the case of amenities and services been authorised by order of Government.

13. (*a*) Deductions can be made for the recovery of advances, or for adjustment of overpayment of wages.

(*b*) Advances made before the employment began can only be recovered from the first payment of wages for a complete wage-period but no recovery can be made of advances given for travelling expenses before employment began.

(*c*) Advances of unearned wages can be made at the Paymaster's discretion during employment but must not exceed the amount of four months' wages without the permission of an Inspector.

These advances can be recovered by instalments, spread over not more than 18 months and instalments must not exceed one-third or if the wages are not more than Rs. 20, one-fourth of the wages for any wage-period.

14. Deductions can be made for subscription to and for repayment of advances from any recognised provident fund.

15. Deductions can be made for payments to co-operative societies approved by the Provincial Government or to the insurance, of the Government Insurance Department subject to any conditions imposed by the Government.

Inspections.

16. An Inspector can enter on any premises, and can exercise powers of inspection (including examination of documents and taking evidence) as he may deem necessary for carrying out the purposes of the Act.

Complaints of deductions or delays.

17. (1) Where irregular deductions are made from wages, or delays in payment take place, an employed person can make an application in the prescribed form within six months to the Authority appointed by the Provincial Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown.

(2) Any legal practitioner, official of a registered trade union, Inspector under the Act, or other person acting with the permission of the Authority can make the complaint on behalf of an employed person.

(3) A single application may be presented by, or on behalf of, any number of persons belonging to the same factory the payment of whose has been delayed.

Action by the Authority.

18. The Authority may award compensation to the employed person in addition to ordering the payment of delayed wages or the refund of illegal deductions.

If a malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 50 on the applicant and order that it be paid to the employer.

Appeal against the Authority.

19. An appeal against a direction made by the Authority may be preferred, within 30 days, in Bombay to the Court of Small Causes and elsewhere to the District Court.—

(*a*) by the Paymaster if the total amount directed to be paid exceeds Rs. 300;

(*b*) by an employed person, if the total amount of wages withheld from him or his co-workers, exceeds Rs. 50;

(*c*) by a person directed to pay a penalty for a malicious or vexatious application.

Punishments for Breaches of the Act.

20. Any one delaying the payment of wages beyond the due date, or making any unauthorised deduction from wages is liable to a fine up to Rs. 500 but only if prosecuted with the sanction of the Authority or the Appellate Court.

21. The paymaster, who:—

(i) does not fix a wage-period, or

(ii) make payment in kind, or

(iii) fails to display at or near the main entrance of the factory this abstract in English and in the language of the majority of the employed persons, or

(iv) breaks certain rules made under the Act,

is liable to a fine not exceeding Rs. 200.

A complaint to this effect can be made only by the Inspector, or with his sanction.